

FILED

JAN 17 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE, CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIE WEAVER
Plaintiff,

vs.

PELICAN BAY STATE
PRISON
Defendant.

CV 07

CASE NO.

5961

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

JW

(PR)

I, WILLIE WEAVER, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ☐ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 SACRAMENTO AIR PORT 300 WEEKLY
 5 1200 MONTHLY
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes ___ No ☒
 10 self employment
 11 b. Income from stocks, bonds, Yes ___ No ☒
 12 or royalties?
 13 c. Rent payments? Yes ___ No ☒
 14 d. Pensions, annuities, or Yes ___ No ☒
 15 life insurance payments?
 16 e. Federal or State welfare payments, Yes ___ No ☒
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____
 22 _____

23 3. Are you married? Yes ___ No ☒

24 Spouse's Full Name: _____

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ _____ Net \$ _____

28 4. a. List amount you contribute to your spouse's support: \$ _____

- 1 b. List the persons other than your spouse who are dependent upon you for
 2 support and indicate how much you contribute toward their support. (NOTE:
 3 For minor children, list only their initials and ages. DO NOT INCLUDE
 4 THEIR NAMES.).

5 _____
 6 _____
 7 5. Do you own or are you buying a home? Yes ____ No ☒

8 Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

9 6. Do you own an automobile? Yes ____ No ☒

10 Make _____ Year _____ Model _____

11 Is it financed? Yes ____ No ☒ If so, Total due: \$ _____

12 Monthly Payment: \$ _____

13 7. Do you have a bank account? Yes ____ No ☒ (Do not include account numbers.)

14 Name(s) and address(es) of bank: _____

15 _____

16 Present balance(s): \$ _____

17 Do you own any cash? Yes ____ No ☒ Amount: \$ _____

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
 19 market value.) Yes ____ No ☒

20 _____

21 8. What are your monthly expenses?

22 Rent: \$ _____ Utilities: _____

23 Food: \$ _____ Clothing: _____

24 Charge Accounts:

25 <u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
26 _____	\$ _____	\$ _____
27 _____	\$ _____	\$ _____
28 _____	\$ _____	\$ _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)
3 _____
4 _____

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes ____ No ☒
7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.
9 _____
10 _____

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 12/07/07

17 DATE

Willie Weaver

SIGNATURE OF APPLICANT

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CV 07

5961

JW

(PR)

U.S. District Court Northern California

ECF Registration Information Handout

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Civil Local Rule 5-4 and General Order 45. This means that you must (check off the boxes ☒ when done):

- ☒ **1) Serve this** ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. **DO NOT** serve the efiler application form, just this handout.

Each attorney representing a party must also:

- ☒ **2) Register** to become an efiler by filling out the efiler application form. Follow **ALL** the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- ☒ **3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- ☒ **4) Access** dockets and documents using **PACER** (Public Access to Court Electronic Records). If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call (800) 676-6856.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

All subsequent papers submitted by attorneys in this case shall be filed electronically. Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.

ECF registration forms, interactive tutorials and complete instructions for efilings may be found on the ECF website: <http://ecf.cand.uscourts.gov>

Case Number: _____

CERTIFICATION OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Willie Eugene Weaver J91389 for the last six months at Pelican Bay State Prison where he is confined.

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$13.13 and the average balance in the prisoner's account each month for the most recent 6-month period was \$17.55. (20% = \$3.51)

Dated: 12/20/07

L. Law Out I Sign
Authorized officer of the institution



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST: 12-20-07
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY J. Kleppin
TRUST OFFICE

CALIFORNIA DEPARTMENT OF CORRECTIONS
 PELICAN BAY STATE PRISON
 INMATE TRUST ACCOUNTING SYSTEM
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUN. 01, 2007 THRU DEC. 19, 2007

ACCOUNT NUMBER : J91389 BED/CELL NUMBER: BF02U 0000002105
 ACCOUNT NAME : WEAVER, WILLIE EUGENE ACCOUNT TYPE: I
 PRIVILEGE GROUP: D

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
06/01/2007		BEGINNING BALANCE					10.62
07/05	D320	TRUST FUNDS T	0078 CCI		5.32		15.94
07/11	*DD30	CASH DEPOSIT	0197 #006		67.50		83.44
07/19	W215	FEDERAL FILIN	0351 03/02			2.57	80.87
07/19	W212	FEDERAL FILIN	0351 03/02			2.57	78.30
07/19	W212	FEDERAL FILIN	0351 03/02			2.57	75.73
07/19	W212	FEDERAL FILIN	0351 03/02			2.57	73.16
07/19	W214	FEDERAL FILIN	0351 03/02			2.57	70.59
07/19	W214	FEDERAL FILIN	0351 03/02			2.57	68.02
07/19	W211	FEDERAL FILIN	0351 03/02			2.57	65.45
07/19	W215	FEDERAL FILIN	0351 07/11			9.35	56.10
07/19	W212	FEDERAL FILIN	0351 07/11			9.35	46.75
07/19	W212	FEDERAL FILIN	0351 07/11			9.35	37.40
07/19	W212	FEDERAL FILIN	0351 07/11			9.35	28.05
07/19	W214	FEDERAL FILIN	0351 07/11			9.35	18.70
07/19	W214	FEDERAL FILIN	0351 07/11			9.35	9.35
07/19	W211	FEDERAL FILIN	0351 07/11			9.35	0.00
11/27	*DD30	CASH DEPOSIT	2318 ML101		11.25		11.25
11/27	W211	FEDERAL FILIN	2333 11/27			1.40	9.85
11/27	W214	FEDERAL FILIN	2333 11/27			1.40	8.45
11/27	W215	FEDERAL FILIN	2333 11/27			1.40	7.05
11/27	W212	FEDERAL FILIN	2333 11/27			1.40	5.65
11/27	W212	FEDERAL FILIN	2333 11/27			1.40	4.25
11/27	W212	FEDERAL FILIN	2333 11/27			1.40	2.85
11/27	W214	FEDERAL FILIN	2333 11/27			1.40	1.45
11/27	W211	FEDERAL FILIN	2333 11/27			1.40	0.05

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
07/31/2007	H103	DAMAGES-REFUSED TO SIGN HOLD	0506 CCI	2.87
07/31/2007	H103	DAMAGES-REFUSED TO SIGN HOLD	0506 CCI	2.45



THE WITHIN INSTRUMENT IS A CORRECT
 COPY OF THE TRUST ACCOUNT MAINTAINED
 BY THIS OFFICE.
 ATTEST: 12-20-07
 CALIFORNIA DEPARTMENT OF CORRECTIONS
 BY S. K. Klein
 TRUST OFFICE I

PELICAN BAY STATE PRISON
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUN. 01, 2007 THRU DEC. 19, 2007

ACCT: J91389 ACCT NAME: WEAVER, WILLIE EUGENE ACCT TYPE: I

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 01/19/96
COUNTY CODE: SAC

CASE NUMBER: 94F09335
FINE AMOUNT: \$ 5,600.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
06/01/2007		BEGINNING BALANCE		5,393.82
07/11/07	DR30	REST DED-CASH DEPOSIT	75.00-	5,318.82
11/27/07	DR30	REST DED-CASH DEPOSIT	12.50-	5,306.32

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
10.62	84.07	94.64	0.05	5.32	0.00

CURRENT
AVAILABLE
BALANCE
5.27-



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST: 12-20-07
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY J. K. [Signature]
TRUST OFFICE